

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 4, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-19350 - APPLICANT/OWNER: RODRIGO AND TERESITA HERRERA

**** CONDITIONS ****

The Planning Commission (6-1/sd vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Variance (VAR-19353) and Variance (VAR-19356), if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan date stamped 2/15/07; landscape plan and building elevations date stamped 01/23/07, except as amended by conditions herein.
4. A Waiver from Title 19.12.040A Landscape, Wall and Buffer Standards is hereby approved to allow a zero foot perimeter landscape buffer along the side yard and a six foot perimeter landscape buffer along the rear yard where eight feet is required.
5. A Waiver from Title 19.12.040B Landscape, Wall and Buffer Standards is hereby approved to allow 10 landscape buffer trees where 14 landscape buffer trees are required
6. A Waiver from Title 19.10.010 J11 Parking, Loading, and Traffic Standards is hereby approved, to allow one parking lot finger where five parking lot fingers are required.
7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
16. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.
17. Landscape and maintain all unimproved right-of-way, if any, on Sahara Avenue adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

18. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Sahara Avenue public right-of-way adjacent to this site.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 4,722 square-foot commercial building and Waivers of perimeter landscape buffer requirements to allow no perimeter landscape buffer in the side yards where eight feet is the minimum required and to allow a six-foot perimeter landscape buffer in the rear yard where eight feet is the minimum required.

On 10/20/04, the City Council approved a Site Development Plan (SDR-4990) and Variance (VAR-4986) for this site. The applicant's proposal is the same as the previously approved development. Since the proposed development was previously approved and has since lapsed and sits upon an irregular shaped lot, staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
Month/date/year	Action
7/19/00	The City Council approved a Variance (V-26-00) to allow a zero foot side yard setback on the east property line, and a three foot side yard setback on the west property line. The Planning Commission and staff recommended approval on June 8, 2000.
4/19/00	The City Council approved a Special Use Permit (U-14-00) for a Wedding Chapel. The Planning Commission and staff recommended approval on March 9, 2000.
12/06/01	The Planning Commission approved a Site Development Plan Review (SD-73-01) for a Wedding Chapel on subject site. The site was not developed, and approval for the project became void on 12/17/03.
10/20/04	The City Council approved a Site Development Plan Review (SDR-4990) for a retail building and Waivers of setback and landscaping standards. In addition, the City Council approved a Variance (VAR-4986) to allow 24 parking spaces where 27 are required. The site was not developed, and approval for the project became void on 10/20/06.
03/08/07	The Planning Commission recommended approval of companion items VAR-19354 and VAR-19356 concurrently with this application. The Planning Commission voted 6-1/sd to recommend APPROVAL (PC Agenda Item #19/jm).

<i>Pre-Application Meeting</i>	
Month/date/year	Description
1/8/07	A pre-application meeting was held with the applicant. The applicant was informed that the previous Site Development Plan Review (SDR-4990) and Variance (VAR-4986) which expired, thereby requiring a new submittal. In addition to the application mentioned, the applicant would be required to submit an additional Variance to allow a zero foot side yard setback on the east property line. Submittal requirements were outlined for the applicant.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.44

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	C (Commercial)	C-1 (Limited Commercial)
North	Offices	C (Commercial)	C-1 (Limited Commercial)
South	Shops, Tavern	Clark County	Clark County
East	Trade School	C (Commercial)	C-1 (Limited Commercial)
West	Shops, Offices	C (Commercial)	C-1 (Limited Commercial)

<i>SPECIAL DISTRICTS/ZONES</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	Y
Redevelopment Plan Area	X		Y
Special Overlay District		X	Y
Trails		X	Y
Rural Preservation Neighborhood		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	19.166 SF	N/A
Min. Lot Width	100 Feet	93.85 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	10 Feet	Zero Feet	N*
• Rear	10 Feet	70 Feet	Y

Max. Lot Coverage	50%	25%	Y
Max. Building Height	None	23 Feet	N/A
Trash Enclosure	Yes	Yes	Yes

A Variance (VAR-19353) to allow a zero side yard setback.

Please note the applicable code section here (Title 19.12)

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Trees/ 6 Spaces	5 Trees	1 Tree	N*
Buffer: Min. Trees	1 Tree/ 30 Linear Feet	14 Trees	10 Trees	N*
TOTAL		19 Trees	11 Trees	N*
Min. Zone Width (Right-of-Way)	15 Feet		15 Feet	Y
Min. Zone Width (Interior – North Side)	8 Feet		6 Feet	N*
Min. Zone Width (Interior – Side yard)	8 Feet		Zero Feet	N*

** Waivers from Title 19.12.040A and 19.12.040B Landscape, Wall and Buffer Standards and a Title 19.10.010 J11 Parking, Loading, and Traffic Standards have been requested by the applicant.*

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail Store, Other than Listed (3,500 SF or more)	4,720 SF	1/175 GFA	25	2	22	2	N*
SubTotal							
TOTAL			27		24		N*
Loading Spaces	4,720 SF		1		1		Y
Percent Deviation			11%				

**Variance (VAR-19356) for parking has been requested.*

Waivers		
Request	Requirement	Staff Recommendation
To provide zero feet of perimeter landscape buffer along the side yard.	8 Feet	Approval, the site has constraints due to lot configuration and vehicular access.
To provide six feet of perimeter landscape buffer along the northern interior lot line	8 Feet	Approval, the site has constraints due to lot configuration and vehicular access.
Parking lot fingers	1 per 6 parking spaces	Approval, removal of parking spaces to accommodate this standard would be inappropriate due to sites parking deficiency.
Reduce perimeter buffer tree quantity to 10 trees	14 Trees	Approval, the site has constraints due to lot configuration and vehicular access.

ANALYSIS

- Zoning

This retail development conforms to the C-1 (Limited Commercial) zoning of this site and area.

- Site Plan

This site is currently undeveloped. The applicant proposes to construct a 4,722 square-foot general retail store on the parcel. The site gains access across a privately owned parcel to Sahara Avenue. As part of this development, the applicant has requested a Variance (VAR-19356) to allow 24 parking spaces where 27 are required. In addition, the applicant has requested a Variance (VAR-19353) to allow a zero side yard setback where ten feet is required.

On 10/20/04, the City Council approved a Site Development Plan (SDR-4990) and Variance (VAR-4986) for this site. The applicant's proposal is the same as the previously approved development. Since this is a lapsed previously approved development and sits upon an irregular shaped lot, staff recommends approval.

- Landscape Plan and Landscape Waivers

The applicant has requested several waivers of Landscape Standards:

1. Waiver of the number of 24 inch box trees.
2. Waiver of parking lot island landscaping.

3. Waiver of the eight-foot wide parking buffer requirement along the north property line, to be reduced to six feet, to allow for garbage and loading turn radii.
4. Waiver of the eight-foot wide parking buffer requirement along the side yard to be reduced to zero feet.

These landscape waivers are necessary because the site has constraints due to lot configuration and vehicular access.

- Elevation

The Elevation drawing is typical of retail strip developments. Façade articulation is achieved through design elements at the roof level. This elevation would be an improvement over the aging retail and office structures in this vicinity.

- Floor Plan

The Floor Plan shows four 1,180 square foot retail spaces. This is typical and appropriate of retail strip developments.

FINDINGS

The following findings must be made for an SDR:

- 1. The proposed development is compatible with adjacent development and development in the area;**

As the area is a shopping plaza of various office and commercial uses, the general retail store use is compatible with adjacent development and development in the area.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

Although the development is not consistent with City standards for landscaping and parking, this exact proposal was previously approved on 10/20/04. In addition the site is irregularly shaped which the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The site gains access across a privately owned parcel to Sahara Avenue, a 100-foot Primary Arterial as designated by the Master Plan Streets and Highways.

4. Building and landscape materials are appropriate for the area and for the City;

Building and landscape materials are appropriate for this area of the City.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

Building elevations, design characteristics and other architectural and aesthetic features are desirable in appearance, and would improve the aesthetic quality of this decaying section of the city.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed development will be subject to inspection by the City and will not compromise the health safety and welfare of the general public.

PLANNING COMMISSION ACTION

Plans show a 6'10" rear landscape planers and Condition #4 shall be amended to reflect such. Also, condition #5 shall be amended to require 19 trees per code.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 124 by Planning Department

APPROVALS 0

PROTESTS 0